(3)

CF 2002

IN THE HIGH COURT OF CHHATISGARH AT BILASPUR

WRIT PETITION NO.3347/2003

1) Sanjay Kumar Mishra
S/o Shri A.K. Mishra
C/4 Dhelwadih Colony
PO: Katghora, Dt: Korba — PETITIONER No.1

2) Dinesh Kumar Gupta
C/8 Dhelwadih Colony
PO: Katghora, Dt: Korba — PETITIONER No.2

Versus

P. R. No. 3219/03
Presented by Shri Gopal Mukherjee
dated 15/10/03

1) Coal India Limited,
Through : Chairman
10, Netaji Shubash Road,
Kolkata — RESPONDENT No.1

2) South Eastern Coalfields Limited,
Through : Chairman-Cum-Managing Director,
Seepat Road, Bilaspur. — RESPONDENT No.2

3) Shri P.K. Nagal
Manager,
Bartari, J&K Area
Post : Jamuna Colliery
Dist : Shahdol (MP — RESPONDENT No.3

4) Shri A.K. Barve
Manager
Beherabandh,
Hasdeo Area
Dist : Korea (CG) — RESPONDENT No.4

Writ Petition under 226 of the Constitution of India

(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO.3907/2003

UDITYA SINGH & OTHERS

VS.

COAL INDIA LIMITED & OTHERS

WRIT PETITION NO.588/2001

AMIT SAXENA & OTHERS

VS.

COAL INDIA LIMITED & OTHERS

WRIT PETITION NO.3347/2003

SANJAY KUMAR MISHRA & ANOTHER

VS.

COAL INDIA LIMITED & OTHERS

WRIT PETITION NO.3774/2003

MERAJ AHMED

VS.

COAL INDIA LIMITED & ANOTHER

O R D E R

Post for: 18/10/2004.

Sd/-
Fakhruddin
Judge

16/10/2004.

(85)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO.3907/2003

UDITYA SINGH & OTHERS

VS.

COAL INDIA LIMITED & OTHERS

WRIT PETITION NO.588/2001

AMIT SAXENA & OTHERS

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WRIT PETITION NO.3347/2003

SANJAY KUMAR MISHRA & ANOTHER

VS.

COAL INDIA LIMITED & OTHERS

WRIT PETITION NO.3774/2003

MERAJ AHMED

VS.

COAL INDIA LIMITED & ANOTHER

O R D E R
(18th October, 2004)

Per Fakhruddin J.

Heard.

2. All these petitions concern the people working in South Eastern Coalfields Limited between E-2 to E-5 Grades and the disputes relate to the promotion and the seniority to be granted

with reference to the policy. Hence, this common order is being passed.

3. Shri Vivek Thanka, Senior Counsel with Shri Alok Bakshi, Advocate appearing for the petitioners in W.P.No.3907/2003 submitted that the petitioners are working in E-5 Grade and have also passed the First Class Mines Manager Certificate of Competency examination and thus they are entitled to get their seniority from the date of passing of that exam as per the policy decision Annexure – R/3 of the return filed by the South Eastern Coalfields Limited. Learned counsel for the petitioners submitted that there is no Court order in respect of E-5 Grade yet the benefit has not been granted.

4. Shri Prashant Mishra with Shri R.N. Mukhopadhyay, Counsel for the respondents in W.P.No.3907/2003 on the other hand submitted that First Class Mines Manager Certificate of Competency examination is a statutory certificate, which is necessary for being appointed and posted as Colliery Manager; therefore, the date of acquisition of that certificate would be relevant for granting seniority.

5. Shri Manindra Shrivastava, Counsel appearing for the petitioners in W.P.No.588/2001 and Shri R.N. Mukhopadhyay, Counsel appearing for the petitioners in W.P.No.3347/2003, jointly submitted that the petitioners have to be promoted to E-4 First

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Class with effect from the date of passing of certificates as it was granted earlier.

6. Shri Manindra Shrivastava, Counsel appearing for the petitioner in W.P.No.3774/2003, submitted that the Officers who had passed First Class Mines Manager's Certificate of Competency after the petitioner have been placed in E-5 First Class Grade but the petitioner is not being considered for the same.

7. Shri Dhirendra Mishra with Shri Vivek Sharma, Counsel appearing for South Eastern Coalfields Limited submitted that so far as the authorities are concerned, they have no prejudice against anybody and they will act strictly in accordance with law.

8. Now these matters are pending and the learned counsel for the parties pointed out that initially there was an order passed in W.P.No.588/2001 granting stay on 28-4-2001. Shri Thanka, Senior Counsel contended that the aforesaid stay order (dated 28-4-2001 passed in W.P.No.588/2001) related to those petitioners and respondents therein. It is also pointed out by learned counsel for all the parties that the said stay order dated 28-4-2001 has been vacated vide order dated 28-8-2003 as the same was causing hardship even to the petitioners therein who had obtained stay.

9. Counsel for the parties pointed out that the matters are pending since long regarding promotion and seniority. It is agreed

by learned counsel appearing for the rival parties that for the present, ends of justice will be served if a direction is given to the rival parties to make a detailed representation raising their grievances before the competent authority and the Chairman, Coal India Limited to constitute a High Power Committee to hear the representations regarding the grievances of the rival parties and the Committee to decide the said representations in accordance with law within a period of three months from the date of receipt of representation. It is open to the Committee to have its modalities and if required the rival parties may be heard. Learned counsel for the rival parties unanimously submitted that the Committee would see that the benefits should be conferred uniformly to the petitioners as well as respondents.

10. Having heard and considered, in the opinion of this Court, the joint submissions made are reasonable and accepted. Accordingly, detailed representation be made by the rival parties to Coal India Limited. The Chairman, Coal India Limited, either may hear himself or may constitute a High Power Committee to consider and decide the representations in accordance with law within a period of three months from the date of receipt of representations. The Chairman or the Committee may evolve its own modalities for deciding the representations. It is made clear that if any grievance still remains, the parties may avail the remedy available under the law.

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11. With the aforesaid observations, all the writ petitions bearing No. 3907/2003, 588/2001, 3347/2003 and 3774/2003 stand disposed of.

12. Consequently, M.W.Ps. and I.As., if any, also stand disposed of.

13. Copy of this order be placed in all the aforesaid writ petitions.

14. Certified copy as per rules.

Sd/-
Fakhruddin
Judge

18-10-2004

Gowri